

#413
BILL NO. Z-90-02-15

ZONING MAP ORDINANCE NO. Z-7th

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-42.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a R-3 (Multi-Family Residential) District
under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

Lot C in A.F. Smith's Subdivision of the Northeast
Quarter of the Northwest Quarter of Section 13,
Township 31 North, Range 12 East, Allen County,
Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. N-
42, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulators (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 2-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage.
~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>		<u>8</u>		<u>1</u>
<u>BRADBURY</u>		<u>✓</u>		
<u>BURNS</u>		<u>✓</u>		
<u>EDMONDS</u>		<u>✓</u>		
<u>GIAQUINTA</u>		<u>✓</u>		
<u>HENRY</u>		<u>✓</u>		
<u>LONG</u>				<u>✓</u>
<u>REDD</u>		<u>✓</u>		
<u>SCHMIDT</u>		<u>✓</u>		
<u>TALARICO</u>		<u>✓</u>		

DATED: 2-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 7274

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 1-24 19 90

RECEIVED FROM Furniture Experience \$ 100.00

THE SUM OF one hundred & 00/100 DOLLARS

ON ACCOUNT OF repossessing
908 E. Cook Rd.

1193

Kay B
AUTHORIZED SIGNATURE

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

RECEIPT NO. _____

DATE FILED _____

1-24-90

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE _____

I/We

Richard R. Bidlack & Priscilla Jane Bidlack
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an R-3 District the property described as follows:

900 E. COOK RD. LOT SIZE APPROX 255' X 1305'

CITY OF FT. WAYNE

LOT "C" A. F. SMITHS ADDITION

LAND TO BE USED FOR PRIVATE CLUB BY THE

U.S. MARINE CORPS LEAGUE FT. MIAMI DETACHMENT

FT. WAYNE, IN. FWD ID # 35-1517751 MT FOR # 73142408

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 900 E. COOK RD.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that ~~I~~/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

RICHARD R. BIDLACK

5508 WA P. T. DR 46804

Richard R. Bidlack

Priscilla Jane Bidlack

5508 Wapiti Dr. Fort Wayne, Ind 46804

Priscilla Jane Bidlack

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Robert C. BASTIEN
(Name)

330 E. COLLINS RD
(Address & Zip Code)
FT. WAYNE, IN 46825

219-426-5628
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street. Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

<u>RICHARD R. BIDLACK</u>	<u>5508 Wapiti Dr Fort Wayne 46801</u>	<u>Richard R. Bidlack</u>
<u>MICHAEL JANE BIDLACK</u>	<u>5508 Wapiti Dr Ft. Wayne</u> <u>46801</u>	<u>Michael Jane Bidlack</u>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

Howens & associates, inc.

registered
land surveyors

~~1402 E. Main Blvd.~~

FORT WAYNE, INDIANA 46805

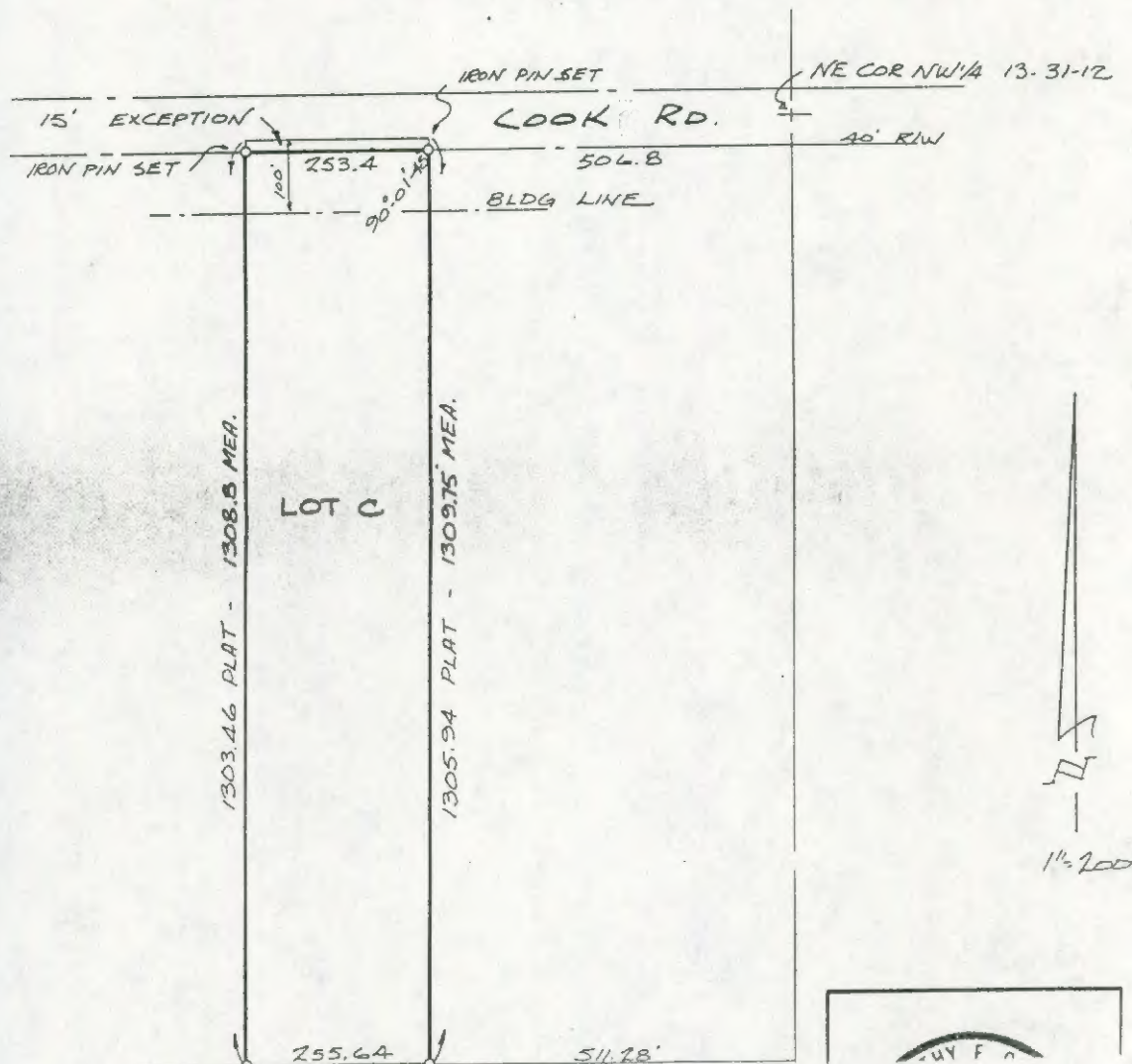
(219) ~~484-7500~~

484-7500

CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of Allen County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate: Lot C in A. F. Smith's Subdivision of the Northeast Quarter of the Northwest Quarter of Section 13, Township 31 North, Range 12 East, Allen County, Indiana, except the North 15 feet thereof.



BILL NO. Z-88-04-1'

ZONING MAP ORDINANCE NO. Z-

10-
09-88

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a R-2-Two Family Residential District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

A part of the Northwest Quarter of Section 13, Township
31 North, Range 12 East of the Second Principal
Meridian in Allen County, Indiana, more particularly
described as follows:

Commencing at the northeast corner of the Southeast
Quarter of the Northwest Quarter of said Section 13,
Township 31 North, Range 12 East; thence North (assumed
bearing), a distance of 1,335.6 feet to the centerline
of Cook Road, also being the north line of the
Northwest Quarter of said Section 13; thence West, a
distance of 506.8 feet along said centerline of Cook
Road and the north line of the Northwest Quarter of
Section 13; thence south, a distance of 25 feet to the
Point of Beginning; thence continuing South, a distance
of 1,305.94 feet; thence North 89 degrees, 26 minutes,
37 seconds West, a distance of 255.64 feet; thence
North 00 degrees, 05 minutes, 53 seconds East, a
distance of 1,303.46 feet; thence East, a distance of
253.40 feet to the Point of Beginning; containing 7.62
acres, more or less, and subject to rights-of-way and
easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. N-
42, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Braddock
Councilmember

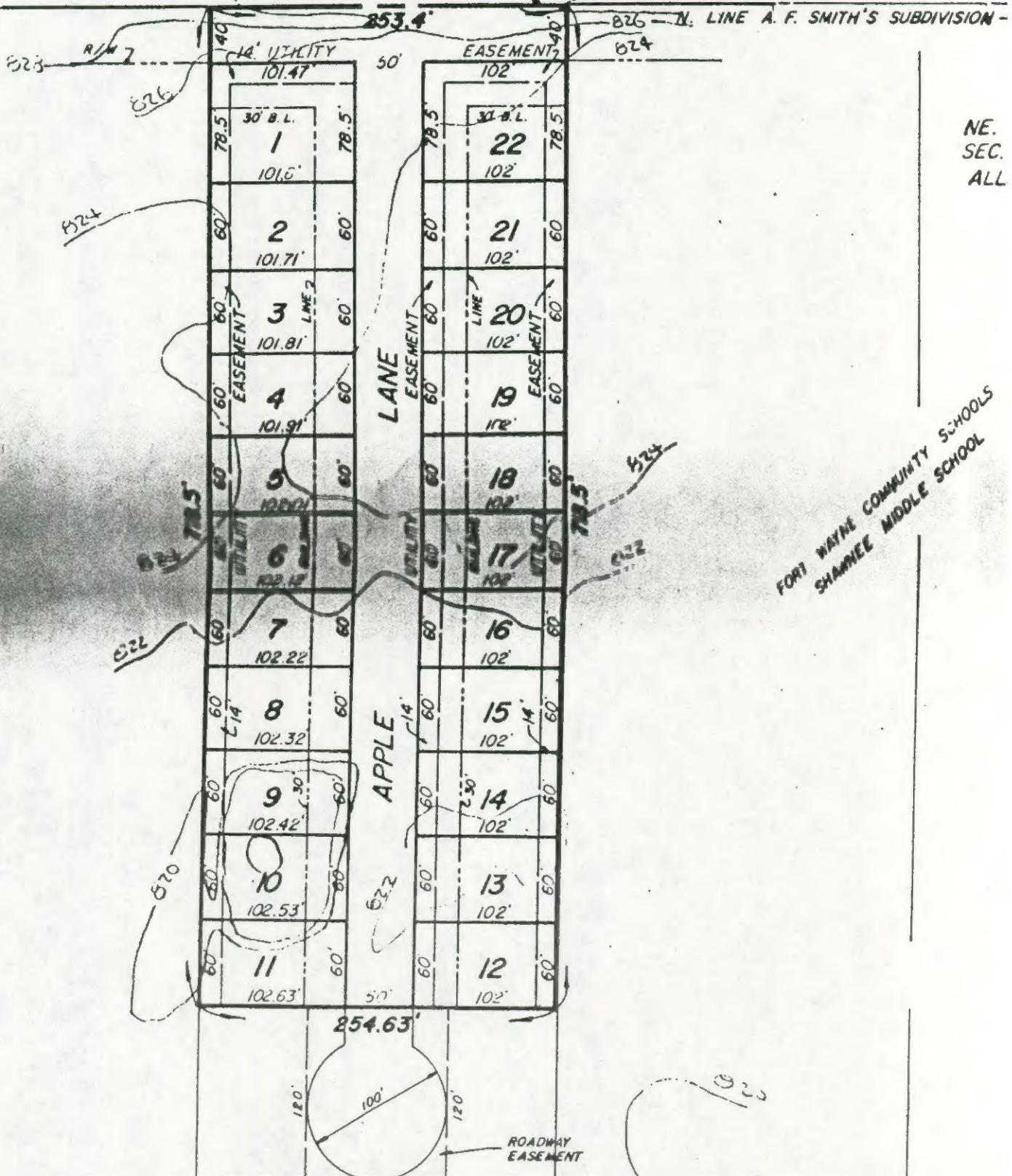
APPROVED AS TO FORM AND LEGALITY:

J. Timothy McClellan

E N. LINE NW. 1/4 SEC. 13-31-12

COOK ROAD

506.8'



NE.
SEC.
ALL

FORT WAYNE COMMUNITY SCHOOLS
SHAMREE MIDDLE SCHOOL

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 27, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-02-19;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 26, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

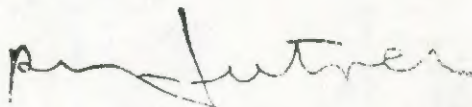
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 5, 1990.

Certified and signed this
6th day of March 1990.



Robert Hutner
Secretary

#413 ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 900 E Cook Road

2-90-02-18

EFFECT OF PASSAGE Property is presently zoned R-2 - Two Family Residential.
Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-90-02-19

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R-2 to R-3

DETAILS**Specific Location and/or Address**

900 E Cook Road

Reason for Project

To allow the U.S. Marine Corp League, Fort Miami Detachment to build a private club.

Discussion (Including relationship to other Council actions)

26 February 1990 - Public Hearing

See Attached Minutes of Meeting

5 March 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Richard & Linata J Bidlack
City Department

Other

Opponents**Groups or Individuals**

Pornteb Nathanlag, 824 E Cook
Gerald Gunkel, 1202 E Cook

Basis of Opposition

-would be detriment to area;
-use is not compatible with
surrounding residential area;

**Staff
Recommendation**

☐ For ☒ Against

Reason Against

approval would constitute
spot zoning; -approval could
have a negative impact on
property values;

**Board or
Commission
Recommendation****By**

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 24 January 1990

Projected Completion or Occupancy

Date 6 March 1990

Fact Sheet Prepared by

Date 6 March 1990

Patricia Biancaniello

Reviewed by

Date 3/8/90

Randy McQuinn

Reference or Case Number

Public Hearing on Zoning Ordinance Amendments

- a. Change of Zone #413
From R-2 to R-3
900 E Cook Road

Robert Bash, representing the Marine Corps League as a trustee appeared before the Commission. Mr. Bash stated that if rezoned they are proposing to construct a building to house a private non-profit club. He stated that he has met with the neighborhood association. He stated that they propose to build a 7800 square foot building. He stated that the property is 1300 feet deep and 255 feet wide. He stated that they are proposing to build to the front of the land and this would leave over 1100 feet of land in the rear vacant and in woods. He stated they feel their proposal is better than an apartment complex or duplexes which was originally proposed. He stated that they feel this will enhance the area. He stated that they are also prepared to put in a excel/decel lanes as required by the city. The city has stated concern about the site being screened from the street. He stated that they will be setting back 130 to 160 feet from the front property line. He stated there are already some trees on the property and they would add more if requested. He stated that they do not intend to develop the land to the rear.

Wil Smith stated what type of response he had received from the Neighborhood Association.

Mr. Bash stated that there was approximately 30 people present at the meeting and their main concern was that people from the club might drift over into the area park.

Mr. Smith questioned if they were receptive to this request.

Mr. Bash felt they were. He stated they were concerned about the noise. He stated however that their building will be a steel building with no windows. He stated that they will be at least 40 feet from the nearest house on the west side of the property.

David Long questioned why they were requesting a zoning change instead of a variance.

Mr. Bash stated that was what he was advised to do so by the Commission staff.

Mel Smith questioned how many members they have in the post.

Mr. Bash stated that there are approximately 200.

Mr. Smith questioned if they were located anywhere presently.

Mr. Bash stated they have been using the VFW Post off of Main Street.

Mr. Smith questioned what purpose the building would be used for.

Mr. Bash stated that they would basically use it for members wedding receptionists for meetings, for bingo. He stated that they raise funds by sponsoring bingo. He stated they play once or twice a week.

Robert Hutner stated that he felt this request should be placed before the Board of Zoning Appeals and not before the Plan Commission.

Wayne O'Brien, planner with C&ED, stated that there is a provision in the Zoning Ordinance for a contingent use for a private club, however, that does not allow any private clubs that have alcoholic beverages. He stated that they were under the impression that the Marine Corps League would have alcohol at their facility. He stated that the other type of variance that would apply would be a Use Variance and under state law there are five items that have to be addressed. He stated that one of which is a hardship upon the property. He stated that the hardship has to be unique that prevents the property from being developed from any of its permitted uses. He stated that is an item that is generally very difficult to prove. He stated that staff did not believe that there is a hardship on the property. He stated that staff felt that the rezoning was the best approach. He stated that he does not believe that staff encouraged a rezoning request at this site.

Opposition:

Pornteb Nathanlag, 824 E Cook Road
Vicki Nathanlag, 824 E Cook Road
Gerald Gunkel, 1202 E Cook Rd
Vernon Wyatt, 1105 E Cook Rd
Andy LaRowe, 923 Cherry Blossom Ln

Mr. Nathanlag is the nearest neighbor to the property in question. He stated that his home would be within 110 feet of the proposed structure.

The concerns of the people who spoke in opposition were:

- the noise pollution that would come from this type of establishment;
- the type of establishment would bring alcohol into the area and present a damaging influence on the children in the area;
- the hours of operation could be any hour of the day or evening;
- the operation would create a litter problem with people coming and going and dropping their litter;
- wherever they serve alcohol there is always the potential for trouble;
- do not want their families subjected to this type of use in their area;

In rebuttal Mr. Bash stated that they have a lounge for the

benefit of the members, but they are not opening a bar. He stated that they would not be using this facility seven days a week and that any receptionists or parties are required supervised by a City or County police officer. He stated also that they are putting a great deal of expense in the building of the structure, with \$36,000 for heating, air conditioning and smoke eaters. He stated they do not intend to have the doors open on the structure during any function.

Mel Smith questioned if they had another option for land.

Mr. Bash stated they have another option at the corner of Butler and Goshen Road, but it would take an additional \$30,000 just to prepare the land for construction. He stated that they have a limited budget. He stated that it seemed to him at the neighborhood meeting that the area residents want the land to set vacant, which is not a reasonable request.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-90-02-19

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. N-42

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

_____	<i>David C. Long</i>	_____	_____
_____	<i>Theresa R. Schmidt</i>	_____	_____
_____	<i>Theresa R. Schmidt</i>	_____	_____
_____	<i>Theresa R. Schmidt</i>	_____	_____
_____	<i>Theresa R. Schmidt</i>	_____	_____
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_____	<i>Theresa R. Schmidt</i>	_____	_____
_____	<i>Theresa R. Schmidt</i>	_____	_____

DATED: 3-27-90

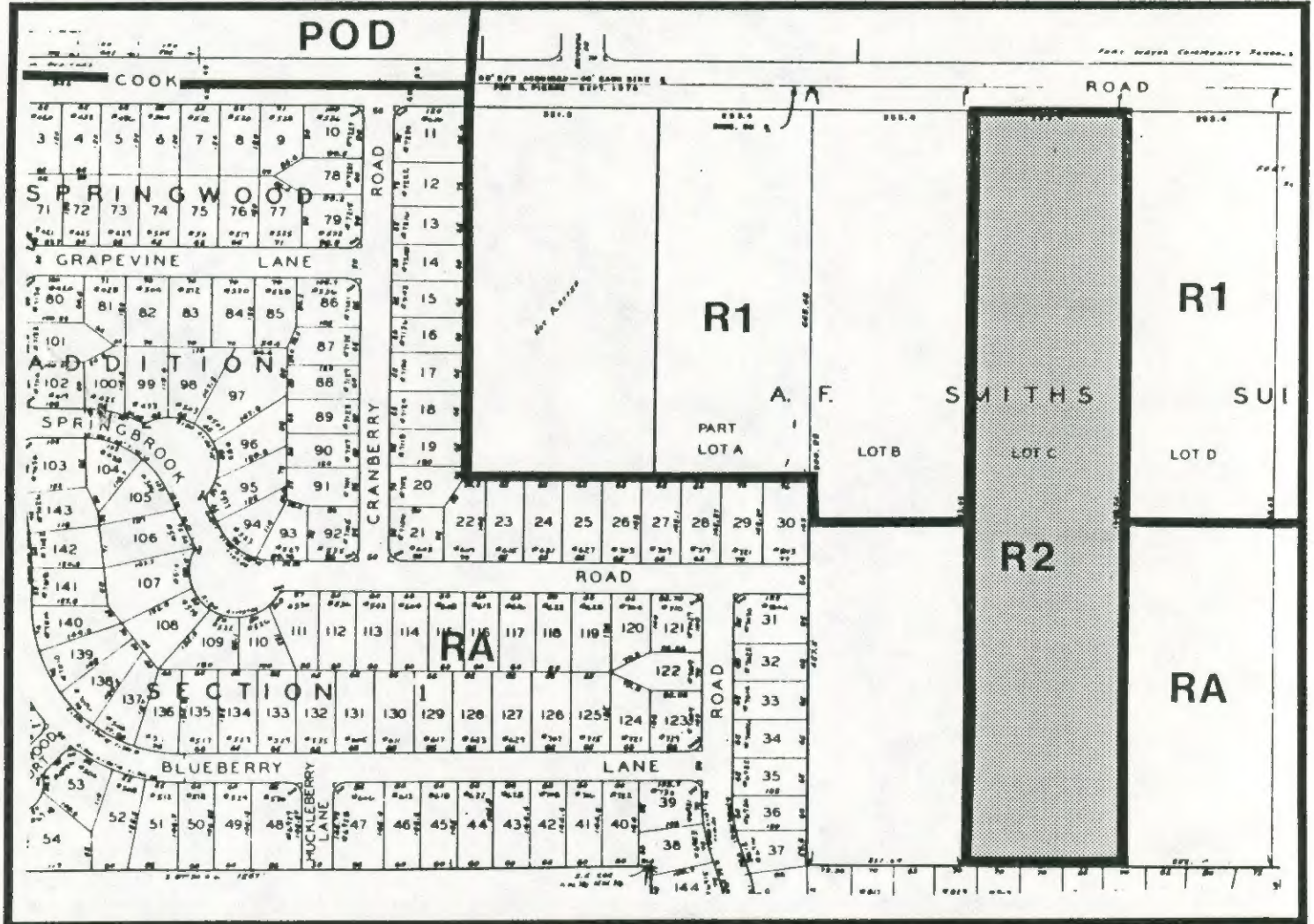
Sandra E. Kennedy
City Clerk

REZONING PETITION #413

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R2 DISTRICT TO A R3 DISTRICT.

MAP NO. N-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT

R2 RESIDENTIAL DISTRICT

RA RESIDENCE "A"

LAND USE:

☐ SINGLE FAMILY

SCALE: 1"=30'

DATE: 2-6-90

